

REMARKS

Claims 8-13 and 17-23 are currently pending in this application as amended. Claims 8 and 18 have been amended to recite that the display housing has a fixed orientation with respect to the rear-mounted support stand. Support for these amendments may be found, for example, at least in original Figs. 1-5, and in the original Specification at page 4, line 20 through page 5, line 2; and page 5, lines 19-29. Claim 23 has been added. Support for the new claim may be found, for example, in the original claims, original Figs. 1-5, and in the original Specification at page 4, line 20 through page 5, line 2; and page 5, lines 19-29. Accordingly, no new matter has been added.

Claim Rejections Under 35 U.S.C. §§ 102(e), 103(a)

Claims 8-13, and 17-22 have been rejected under 35 U.S.C. § 102(e), or alternatively under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent Publication No. 2003/0060270 (“Binkley”). Applicant respectfully traverses the rejection and requests that the rejection of claims 8-13, and 17-22 be withdrawn in view of the foregoing amendments to the claims and for at least the following reasons.

Claim 8, as amended, is directed to a flatscreen touchscreen table-top amusement device and recites, *inter alia*,

the rear-mounted support stand configured to receive and support the display housing, the rear mounted support stand configured to receive a revenue system having at least one revenue acceptor portion, the rear mounted support stand and revenue system being generally aligned about a middle of the display housing, at least a portion of the revenue system being located behind the display housing between the top edge and the bottom edge of the display housing, each revenue acceptor portion being simultaneously accessible with the front of the display housing at all times, the display housing having a fixed orientation with respect to the rear-mounted support stand.

[Emphasis added]

Claim 18, as amended, is similarly directed to a flatscreen touchscreen table-top amusement device and recites, *inter alia*,

the rear-mounted support stand configured to receive and support the display housing, the rear-mounted support stand including a coin acceptor having a coin acceptance slot located in a top front facing section of the rear-mounted support stand above a top edge of the display housing and a paper currency acceptor having a paper currency acceptance slot located in a bottom front facing section of the rear-mounted support stand below the bottom edge of the display housing, at least a portion of the coin acceptor being located behind the display housing between the top edge and the bottom edge of the display housing, the coin acceptance slot and the currency acceptance slot being simultaneously accessible with the front of the display housing at all times, the display housing having a fixed orientation with respect to the rear-mounted support stand.

[Emphasis added]

Binkley fails to teach, suggest, or disclose a display housing having a fixed orientation with respect to a rear-mounted support stand.

Referring to Figs. 5-6, Binkley discloses a gaming terminal 10" having a monitor 16" resting on a support surface 21" of an upper portion 12U" of a base 12". A support arm 22" with lateral protruding members 22a", 22b" are received in arcuate recesses 23a", 23b" in the upper portion 12U" for moving the monitor 16" to a desired position relative to the base 12". See paragraph [0040]. A middle portion 12M" of the base 12", located below the monitor 16", includes a card reader 15 and payment apparatus 122". See paragraph [0037]. Further, the express object of Binkley is to provide a gaming terminal with adjustable components so that a gamer may play a game in a comfortable position, "which may significantly increase the duration of time a gamer will remain at that gaming terminal." See paragraphs [0002], [0008], [0026].

Claims 8 and 18 have been amended to call for the display housing to have a fixed orientation with respect to the rear-mounted display stand. This element is explicitly lacking in Binkley because the monitor 16" is movable according to accommodate the comfort level of the player. Accordingly, Binkley cannot anticipate claims 8 and 18 because it fails to disclose all of the elements of the respective claims. M.P.E.P. § 2131.

Additionally, even if the Examiner's proposed modifications to Binkley were proper, which Applicant does not admit, one of ordinary skill in the art still would never have found claims 8 or 18 obvious over Binkley because Binkley explicitly teaches away from the device of claims 8 and 18 as amended. M.P.E.P. 2145(X)(D)(2). As described above, the express object of Binkley is to provide a gaming terminal with an adjustable display in order to provide comfort to a user such that the user will remain engaged with the terminal for a longer duration. If a modification was made to the device of Binkley to fix the orientation of the monitor 16" with respect to the base 12", the entire object of Binkley's invention would be eviscerated, and would be rendered unfit for its intended use. M.P.E.P. §§ 2143.01(V), 2145(III).

Accordingly, because Binkley does not include and could not be modified to include that the display housing has a fixed orientation with respect to the rear-mounted support stand, as called for by amended claims 8 and 18, Applicant respectfully requests that the rejection of independent claims 8 and 18 be withdrawn.

Claims 9-11, 13, 19, and 21 are dependent upon claim 8. Applicant respectfully requests that the rejection of claims 9-11, 13, 19, and 22 based upon anticipation by Binkley be withdrawn due to at least their dependence on claim 8.

Claims 20 and 22 are dependent upon claim 18. Applicant respectfully requests that the rejection of claims 20 and 22 based upon anticipation by Binkley be withdrawn due to at least their dependence on claim 18.

Claim Rejection Under 35 U.S.C. § 103(a)

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Binkley. Applicant respectfully traverses the rejection and requests that the rejection of claim 12 be withdrawn in view of the foregoing claim amendments and for at least the following reasons.

Claim 12 is dependent upon claim 8. As described above, Binkley fails to teach, suggest, or disclose at least one element of claim 8 as amended, namely, the display housing having a fixed orientation with respect to the rear-mounted support stand. The Examiner's rejection does not cite any other reference, and therefore the deficiency of Binkley as a prior art reference is not

ameliorated. Thus, even if the Examiner's proposed modification was correct, which Applicant does not admit, claim 12 still would not have been obvious over Binkley for the reasons cited above. Accordingly, Applicant respectfully requests that the rejection of claim 12 based upon obviousness by Binkley be withdrawn due to at least its dependence on claim 8.

New Claim 23

New claim 23, like claims 8 and 18, includes the feature of the display housing having a fixed orientation with respect to the rear-mounted support stand. Accordingly, for the same reasons described above with respect to claims 8 and 18, claim 23 is believed to be allowable over Binkley.

CONCLUSION

In view of the foregoing Amendment and Remarks, it is respectfully submitted that the present application including claims 8-13 and 17-23, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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